

REMARKS

Claims 1 - 6 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to recite that the head portion of the tampon has a width of about 1.5 cm to about 8 cm and the trailing portion of the tampon has a width of about 1 cm to 3 cm. Support for the amendment is found at page 8, lines 14-20 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

OBJECTIONS

The Office Action states that abstract of the disclosure is objected to because it is more than 150 words in length according to MPEP 608.01 (b). The abstract has been amended to be less than 150 words and therefore meets the requirements of MPEP 608.01(b).

The Office Action states that disclosure is objected to because the Applicant has not listed the current statues of the parent cases relied upon for priority. The disclosure has been amended to list the current status by including the granted patent numbers of the parent cases.

In light of the amendments contained herein, Applicants respectfully request reconsideration of all objections to the abstract and the disclosure.

Rejection Under 35 U.S.C. § 102 Over Bailey

Claims 1-6 are rejected under 35 U.S.C. § 102(a) as being anticipated by Bailey.

Applicants respectfully traverse the rejection.

The Office Action states that Bailey discloses a bag-like absorbent body, a head portion, and a trailing end. The Office Action states that Bailey does not specifically disclose the shape modulus of compression for the tampon because Bailey was not concerned with this variable. Thus, the Office Action states that Bailey is silent to this limitation. The Office Action contends that because the modulus of compression is the force required to more or less flatten the tampon so the interior has essentially no volume, the Examiner feels that it is inherent that it would take less than 0.05 pounds of force to more or less flatten the tampon of Bailey so the interior has

essentially no volume. The Office Action states that Bailey is made of cotton, which is one materials that the Applicant has claimed, and the tampon may be simply one layer of the cotton, so the Examiner feels that the tampon of Bailey meets the limitation for the shape modulus of compression. The Office Action contends that with one layer of cotton tampon as disclosed by Bailey and knowing that cotton is a readily conformable and flexible material, the Examiner feels there is enough to conclude the limitation of shape modulus of compression is inherent in Bailey. Contrary to the position stated in the Office Action, Bailey does not anticipate amended Claim 1 because it does not disclose the widths of the head portion and the trailing portion.

Bailey does not teach each and every element in Claim 1. As amended Claim 1 recites a catamenial tampon comprising a bag-like conformable absorbent body having an outer surface, an inner surface, a head portion and a trailing portion wherein the head portion has a width of about 1.5 cm to about 8 cm and the trailing portion has a width a width of about 1 cm to 3 cm. Bailey does not teach a tampon having such dimensions. Therefore, Bailey cannot anticipate the Applicants' Claim 1. Claim 2-6 depend from 1. Therefore, Bailey does not render claims of the Applicants' present invention unpatentable under 35 U.S.C. § 102 (b).

Conclusion

In light of the above remarks, it is requested that the Examiner withdraw the rejection under 35 U.S.C. § 102. Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-6. Early and favorable action in the case is respectfully requested.

Respectfully submitted,

By Bridget D. Ammons

Bridget D. Ammons
Attorney for Applicant(s)
Registration No. 52,555
(513) 634-1873

Date: May 22, 2003

Cincinnati, OH